

109TH CONGRESS  
1ST SESSION

# S. 1063

To promote and enhance public safety and to encourage the rapid deployment of IP-enabled voice services.

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## IN THE SENATE OF THE UNITED STATES

MAY 18, 2005

Mr. NELSON of Florida (for himself, Mr. BURNS, and Mrs. CLINTON) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To promote and enhance public safety and to encourage the rapid deployment of IP-enabled voice services.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “IP-Enabled Voice  
5       Communications and Public Safety Act of 2005”.

6       **SEC. 2. EMERGENCY SERVICE.**

7       (a) 911 and E-911 Services.—Notwithstanding sec-  
8       tion 2(b) or any other provision of the Communications  
9       Act of 1934, the Commission shall prescribe regulations  
10      to establish a set of requirements or obligations on pro-

1 viders of IP-enabled voice service to ensure that 911 and  
2 E-911 services are available to customers to IP-enabled  
3 voice service. Such regulations shall include an appro-  
4 priate transition period by which to comply with such re-  
5 quirements or obligations and take into consideration  
6 available industry technological and operational standards,  
7 including network security.

8 (b) NON-DISCRIMINATORY ACCESS TO CAPABILI-  
9 TIES.—Each entity with ownership or control of the nec-  
10 essary emergency services infrastructure shall provide any  
11 requesting IP-enabled voice service provider with non-  
12 discriminatory access to their equipment, network, data-  
13 bases, interfaces and any other related capabilities nec-  
14 essary for the delivery and completion of 911 and E911  
15 calls and information related to such 911 or E911 calls.  
16 Such access shall be consistent with industry standards  
17 established by the National Emergency Number Associa-  
18 tion or other applicable industry standards organizations.  
19 Such entity shall provide access to the infrastructure at  
20 just and reasonable, nondiscriminatory rates, terms and  
21 conditions. The telecommunications carrier or other entity  
22 shall provide such access to the infrastructure on a stand-  
23 alone basis.

24 (c) STATE AUTHORITY.—Nothing in this Act, the  
25 Communications Act of 1934, or any Commission regula-

1 tion or order shall prevent the imposition on or collection  
2 from a provider of voice services, including IP-enabled  
3 voice services, of any fee or charge specifically designated  
4 or presented as dedicated by a State, political subdivision  
5 thereof, or Indian tribe on an equitable, and non-discrimi-  
6 natory basis for the support of 911 and E-911 services  
7 if no portion of the revenue derived from such fee or  
8 charge is obligated or expended for any purpose other than  
9 support of 911 and E-911 services or enhancements of  
10 such services.

11 (d) STANDARD.—The Commission may establish reg-  
12 ulations imposing requirements or obligations on providers  
13 of voice services, entities with ownership or control of  
14 emergency services infrastructure under subsections (a)  
15 and (b) only to the extent that the Commission determines  
16 such regulations are technologically and operationally fea-  
17 sible.

18 (e) CUSTOMER NOTICE.—Prior to the compliance  
19 with the rules as required by subsection (a), a provider  
20 of an IP-enabled voice service that is not capable of pro-  
21 viding 911 and E-911 services shall provide a clear and  
22 conspicuous notice of the unavailability of such services  
23 to each customer at the time of entering into a contract  
24 for such service with that customer.

1       (f) VOICE SERVICE PROVIDER RESPONSIBILITY.—An  
2 IP-enabled voice service provider shall have the sole re-  
3 sponsibility for the proper design, operation, and function  
4 of the 911 and E911 access capabilities offered to the pro-  
5 vider’s customers.

6       (g) PARITY OF PROTECTION FOR PROVISION OR USE  
7 OF IP-ENABLED VOICE SERVICE.—

8           (1) PROVIDER PARITY.—If a provider of an IP-  
9 enabled voice service offers 911 or E-911 services in  
10 compliance with the rules required by subsection (a),  
11 that provider, its officers, directors, employees, ven-  
12 dors, and agents, shall have immunity or other pro-  
13 tection from liability of a scope and extent that is  
14 not less than the scope and extent of immunity or  
15 other protection from liability that any local ex-  
16 change company, and its officers directors, employ-  
17 ees, vendors, or agents, have under the applicable  
18 Federal and State law (whether through statute, ju-  
19 dicial decision, tariffs filed by such local exchange  
20 company, or otherwise), including in connection with  
21 an act or omission involving the release of subscriber  
22 information related to the emergency calls or emer-  
23 gency services to a public safety answering point,  
24 emergency medical service provider, or emergency  
25 dispatch provider, public safety, fire service, or law

1 enforcement official, or hospital emergency or trauma care facility.

3 (2) USER PARITY.—A person using an IP-enabled voice service that offers 911 or E-911 services  
4 pursuant to this subsection shall have immunity or  
5 other protection from liability of a scope and extent  
6 that is not less than the scope and extent of immunity or other protection from liability under applicable law in similar circumstances of a person using  
7 911 or E-911 service that is not provided through  
8 an IP-enabled voice service.

12 (3) PSAP PARITY.—In matters related to IP-enabled 911 and E-911 communications, a PSAP,  
13 and its employees, vendors, agents, and authorizing  
14 government entity (if any) shall have immunity or  
15 other protection from liability of a scope and extent  
16 that is not less than the scope and extent of immunity or other protection from liability under applicable law accorded to such PSAP, employees, vendors,  
17 agents, and authorizing government entity, respectively, in matters related to 911 or E-911 communications that are not provided via an IP-enabled voice  
18 service.

24 (h) DELEGATION PERMITTED.—The Commission  
25 may, in the regulations prescribed under this section, pro-

1 vide for the delegation to State commissions of authority  
 2 to implement and enforce the requirements of this section  
 3 and the regulations thereunder.

4 **SEC. 3. MIGRATION TO IP-ENABLED EMERGENCY NET-**  
 5 **WORK.**

6 Section 158 of the National Telecommunications and  
 7 Information Administration Organization Act (as added  
 8 by section 104 of the ENHANCE 911 Act of 2004) is  
 9 amended—

10 (1) by redesignating subsections (d) and (e) as  
 11 subsections (e) and (f), respectively; and

12 (2) by inserting after subsection (c) the fol-  
 13 lowing:

14 “(d) MIGRATION PLAN REQUIRED.—

15 “(1) NATIONAL PLAN REQUIRED.—No more  
 16 than 18 months after the date of the enactment of  
 17 the ENHANCE 911 Act of 2004, the Office shall  
 18 develop and report to Congress on a national plan  
 19 for migrating to a national IP-enabled emergency  
 20 network capable of receiving and responding to all  
 21 citizen activated emergency communications.

22 “(2) CONTENTS OF PLAN.—The plan required  
 23 by paragraph (1) shall—

24 “(A) outline the potential benefits of such  
 25 a migration;

1 “(B) identify barriers that must be over-  
 2 come and funding mechanisms to address those  
 3 barriers;

4 “(C) include a proposed timetable, an out-  
 5 line of costs and potential savings;

6 “(D) provide specific legislative language,  
 7 if necessary, for achieving the plan; and

8 “(E) provide recommendations on any leg-  
 9 islative changes, including updating definitions,  
 10 to facilitate a national IP-enabled emergency  
 11 network.

12 “(3) CONSULTATION.—In developing the plan  
 13 required by paragraph (1), the Office shall consult  
 14 with representatives of the public safety community,  
 15 technology and telecommunications providers, and  
 16 others it deems appropriate.”.

17 **SEC. 4. DEFINITIONS.**

18 (a) IN GENERAL.—For purposes of this Act:

19 (1) 911 AND E-911 SERVICES.—

20 (A) 911.—The term “911” means a serv-  
 21 ice that allows a user, by dialing the three-digit  
 22 code 911, to call a public safety answering  
 23 point operated by a State, local government, In-  
 24 dian tribe, or authorized entity.

1 (B) E-911.—The term “E-911 service”  
2 means a 911 service that automatically delivers  
3 the 911 call to the appropriate public safety an-  
4 swering point, and provides automatic identi-  
5 fication data, including the originating number  
6 of an emergency call, the physical location of  
7 the caller, and the capability for the public safe-  
8 ty answering point to call the user back if the  
9 call is disconnected.

10 (2) IP-ENABLED VOICE SERVICE.—The term  
11 “IP-enabled voice service” means an IP-enabled  
12 service used for real-time 2-way or multidirectional  
13 voice communications offered to a customer that—

14 (A) uses North American Numbering Plan  
15 administered telephone numbers, or successor  
16 protocol; and

17 (B) has two-way interconnection or other-  
18 wise exchange traffic with the public switched  
19 telephone network.

20 (3) CUSTOMER.—The term “customer” includes  
21 a consumer of goods or services whether for a fee,  
22 in exchange for an explicit benefit, or provided for  
23 free.

24 (4) IP-ENABLED SERVICE.—The term “IP-en-  
25 abled service” means the use of software, hardware,

1 or network equipment that enable an end user to  
2 send or receive a communication over the public  
3 Internet or a private network utilizing Internet pro-  
4 tocol, or any successor protocol, in whole or part, to  
5 connect users—

6 (A) regardless of whether the communica-  
7 tion is voice, data, video, or other form; and

8 (B) notwithstanding —

9 (i) the underlying transmission tech-  
10 nology used to transmit the communica-  
11 tions;

12 (ii) whether the packetizing and  
13 depacketizing of the communications oc-  
14 curs at the customer premise or network  
15 level; or

16 (iii) the software, hardware, or net-  
17 work equipment used to connect users.

18 (5) PUBLIC SWITCHED TELEPHONE NET-  
19 WORK.—The term “public switched telephone net-  
20 work” means any switched common carrier service  
21 that is interconnected with the traditional local ex-  
22 change or interexchange switched network.

23 (6) PSAP.—The term “public safety answering  
24 point” or “PSAP” means a facility that has been  
25 designated to receive 911 calls.

1       (b) COMMON TERMINOLOGY.—Except as otherwise  
2 provided in subsection (a), terms used in this Act have  
3 the meanings provided under section 3 of the Communica-  
4 tions Act of 1934.

